

The Chhattisgarh Anadhikrat Vikas ka Niyamitikaran Adhiniyam, 2002

Act 21 of 2002

Keyword(s):
Builder, Road Line, Unauthorized Development

Amendment appended: 4 of 2003

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रायपुर, दिनांक 26 अप्रैल 2002

क्रमांक 3167/21-अ/प्रारूपण/01.— भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में छत्तीसगढ़ अनधिकृत विकास का नियमितिकरण अधिनियम, 2002 (क्र. 21 सन् 2002) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्द्वारा प्रकाशित किया जाता है.

छत्तीसगढ़ के राज्यपाल के नाम से तथा आदेशानुसार,
आई. एस. उप्पोत्रेजा, उप-सचिव.

CHHATTISGARH ACT
(No. 21 of 2002)

CHHATTISGARH ANADHIKRIT VIKAS KA NIYAMITIKARAN ADHINIYAM, 2002

An Act to regularize the unauthorized developments in the planning area in the State of Chhattisgarh, by vesting certain powers specified herein, in an authority to exercise, perform and discharge the duties entrusted to them within specified duration of time.

Be it enacted by the Chhattisgarh Legislative Assembly in the Fifty third year of the Republic of Inida as follows :—

CHAPTER-I—PRELIMINARY

Short Title, Extent and Commencement.

1. (1) This Act may be called the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran Adhiniyam, 2002 (No. 21 of 2002).

(2) It extends to the whole of Chhattisgarh.

(3) It shall come into force on such date as the State Government may, by notification, appoint.

Application.

2. The provisions of this Act shall apply to such unauthorized developments which were in existence on or before the date notified by the State Government.

Definition.

3. (1) In this Act, unless the context otherwise requires—

(i) "Authority" means an authority constituted under section 4 of the Act.

(ii) "Builder" means and includes, a person or group of persons engaged in construction of building or creation of any other engineering structure in, or on any piece of land, in the planning area.

(iii) "Government" means State Goverement of Chhattisgarh.

(iv) "Road line" means both limiting sides of any public road

(v) "Unauthorized development" means development of any site without any permission or contrary to the permission granted or deviation of land use or deviation from the permission granted under the provisions of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973) or any of the acts for the time being in force or any rules or byelaws made thereunder.

(vi) "Regularisation" for the purpose of this Act means, regularisation of the unauthorized development by the Authority under Section 5 (1) (ii).

(2) Words and expressions used in this Act, but not defined herein, shall have the same meaning as given in the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 and rules made thereunder.

CHAPTER-II—CONSTITUTION OF AUTHORITY, PROCEDURE ETC.

Constitution of District Regularisation Authority.

4. (1) The State Government shall constitute for each district an authority to be called the "District Regularisation Authority" for the purpose of regularisation of unauthorized development.

(2) The District Regularisation Authority shall consist of the following members namely :—

(a)	Collector of the District	-	Chairman
(b)	District Superintendent of Police	-	Member
(c)	The Municipal Commissioner/Chief Municipal Officer of the concerned Urban Local body, for the cases of their respective areas.	-	Member
(d)	Chief Executive Officer of the concerned Development Authority, for their respective areas.	-	Member
(e)	Officer of Town & Country Planning Department in-charge of the district.	-	Member Secretary.

Application.

5. The authority may receive applications, through competent officer appointed for this purpose for regularisation of unauthorized development from the affected persons within the time limit and in the manner as prescribed by the Government under the rules framed for this purpose.

Powers of District Regularization authority.

6. (1) The District Regularization Authority shall have the following powers :—

(i) On receipt of application under Section 5, it may call for any record or information regarding unauthorized developments in any planning area within the district. On the basis of such records and information, the Authority may either reject the application or take a decision for regularisation of unauthorized development in accordance with Section 7 of this Act.

(ii) In case, the Authority decides in favour of regularisation, it shall, after due consideration, impose penalty on the applicant for such development. The Authority may collect such penalty in suitable installments together with interest, in case the applicant makes a written request for payments in installments, within 14 days of the order by the Authority.

(iii) For the purpose of imposing penalty, the Authority shall evaluate an unauthorized development on the basis of prevailing market value of the land, construction etc. The Authority shall also evaluate its monthly rent.

(iv) The Authority shall determine penalty on the basis of such evaluation done and the cost of development of basic infrastructure in the vicinity, which may be required because of the unauthorized development.

(v) Upon compliance of the order issued by the Authority, and deposit of the regularisation penalty, such development would cease to be unauthorized and a certificate to that effect will be issued to the applicant, by the Authority in such proforma as may be prescribed.

(2) The Authority shall have the same powers as are conferred on the High-Rise Building Committee under the provisions of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973.

(3) The Authority may, if it consider necessary, take the services or opinion of any registered structural engineer, town planner or architect in deciding applications under Section 5.

(4) The Authority shall exercise such other powers as may be assigned to it by the Government for the purpose of regularisation of unauthorized development.

Regularisation of an unauthorized development.

7. (1) The District Regularisation Authority shall not regularise an unauthorized development if,

(i) the land belongs to Government, local authority, or a statutory body.

(ii) the construction is affecting the defined building line or is falling within the Road-lines.

(iii) the land has been allotted by the Government, local authority or statutory body for a specific purpose, other than the one for which development has been done.

(iv) the area of construction is on tank bed or tank bank or natural drainage.

(v) in case of multi-storied buildings, the building is obstructing the view of any heritage building site or is violating the prescribed norms for fire safety or structural stability.

(vi) the area is earmarked for industries which use or produce hazardous substances.

(vii) it is not in public interest to do so.

(2) If the unauthorized development is on parking spaces or on areas earmarked for recreational use in the development plan, regularisation shall be permitted only when an alternative area has been provided by the applicant in close vicinity of the constructed site.

(3) No regularisation of unauthorized high-rise building shall be considered, if it contravenes any of the provisions of the Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973.

(4) The authority may regularise part of the unauthorized development also, looking to the attending circumstances.

(5) Regularisation will not entitle the applicant for any other services or claims arising thereof.

8. The authority having jurisdiction, shall take appropriate action against an unauthorized development according to the provisions of the relevant acts, and rules made thereunder if, — Powers of authority having jurisdiction.

(i) the owner, or occupier or builder of the unauthorized development does not apply for regularisation within the prescribed time limit.

(ii) the application has been rejected under section (6) (1) (i).

(iii) the application fails to deposit the penalty for regularisation.

9. (1) Any person, aggrieved by an order passed by the Authority, may appeal to the Divisional Commissioner within thirty days from the date of such order. — Appeal.

(2) In case the appeal is filed by the applicant as mentioned in section 5, the appeal shall not be admitted for hearing by the Divisional Commissioner unless the appellant has deposited 50% of the penalty for regularisation. The applicant must deposit the monthly rent of the unauthorized development regularly, as decided by the Authority, during the pendency of the appeal.

(3) Any person, aggrieved by an order passed by the Divisional Commissioner may file an appeal to the Government within thirty days from the date of such an order,

Provided that the appellant shall regularly deposit the monthly rent for the unauthorized development as decided by the Authority under this Act during the pendency of the appeal.

CHAPTER-III—MISCELLANEOUS

10. (1) The Government may either suo-moto, or on an application filed by any person, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed by Divisional Commissioner or Authority under this Act, call for the records and may also direct that pending examination of the record, such order be held in abeyance. — Power of the Government.

(2) The Government may modify or reverse the orders of the Divisional Commissioner or Authority under this Act as it may deem fit. No such order shall be passed by the Government unless the interested parties have been given an opportunity of being heard.

Deposit of penalty and other accruals. 11. The penalty, rental value and other accruals received under the provisions of this Act shall be credited to the Government treasury

Protection of action taken under the Act. 12. (1) Notwithstanding any thing contained in any law for the time being inforce, no suit, prosecution or other legal proceedings shall lie against any officer or Authority for any thing which has been done in good faith or intended to be done in pursuance of the provisions of this Act or rules made thereunder.

(2) No suit or other legal proceeding shall lie against the Government or any authority under the Government for any damage caused or likely to be caused by any thing which has been done or any action taken in good faith or intended to be done in pursuance of this Act or rules made thereunder.

Powers of Government to make rules. 13. The Government may make rules for the purposes of effectively carrying out the provisions of this Act. Such rules may provide for all or any of the following matters, namely :--

(i) procedure to be followed in regularisation of unauthorized development;

(ii) norms for imposition of regularisation penalty;

(iii) procedure for collection and utilisation of penalty for regularisation;

(iv) procedure for exercise of powers conferred to the Authority under Section 6 of this Act.

CHAPTER-IV—SAVINGS

Savings. 14. Notwithstanding any thing contained in Chhattisgarh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973), Chhattisgarh Municipal Corporation Act, 1956 (No. 23 of 1956), Chhattisgarh Municipalities Act ,1961 (No. 37 of 1961) or Chhattisgarh Panchayatraj Adhiniyam, 1993 (No. 1 of 1993) any local government, as the case may be, in relation to the unauthorized development under the provisions of this Act, from the date of commencement of this Act, shall cease to exercise the powers, perform the functions, and discharge duties which the State Government, Divisional Commissioner, and the Authority is competent to exercise, perform and discharge under this Act.

Bar on the Jurisdiction of Civil Courts. 15. No civil suit of any nature against any of the orders passed under the provisions of this Act will be maintainable before any court.

Power to remove difficulties. 16. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by order, not inconsistent with the provision of this Act, remove the difficulty.

नियंत्रक, मुद्रण तथा लेखन सामग्री, छत्तीसगढ़ द्वारा शासकीय केन्द्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित—2002.

CHHATTISGARH ACT
(No. 4 of 2003)

THE CHHATTISGARH ANADHIKRIT VIKAS KA NIYAMITIKARAN (SANSODHAN) ADHINIYAM, 2003

An Act further to amend the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran Adhiniyam, 2002 (No. 21 of 2002).

Be it enacted by the Chhattisgarh Legislature in the Fifty-fourth year of the Republic of India as follows :—

1. (1) This Act may be called the Chhattisgarh Anadhikrit Vikas Ka Niyamitikaran (Sansodhan) Vidheyak, 2003 (No. 4 of 2003). **Short title and Commencement.**

(2) It shall come into force from date of its notification in the official Gazette.

2. In Sub-section (1), (2) and (3) of Section 9 of the Chhattisgarh Anadikrit Vikas Ka Niyamitikaran Adhiniyam, 2002 (No. 21 of 2002) hereinafter called Principal Act, for words "Divisional Commissioner" the words "Director Urban Planning and Development" shall be substituted. **Amendment of Section 9.**

3. In Sub-section (1) and (2) of Section 10 of the Principal Act, for words "Divisional Commissioner" the words "Director Urban Planning and Development" shall be substituted. **Amendment of Section 10.**

संचालक, मुद्रण तथा लेखन सामग्री छत्तीसगढ़ द्वारा शासकीय क्षेत्रीय मुद्रणालय, राजनांदगांव से मुद्रित तथा प्रकाशित — 200